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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,470	03/28/2001	Mark E. Poole	sfi-1	9560
20808	7590	04/22/2004	EXAMINER	
BROWN & MICHAELS, PC 400 M & T BANK BUILDING 118 NORTH TIOGA ST ITHACA, NY 14850			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,470

Applicant(s)

POOLE, MARK E.

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent 5983496, Hermanson.

In regards to claim 1, in Figure 4, Hermanson discloses an apparatus for connecting and sealing duct sections, the apparatus comprising:

(A) first and second connectors (4), each connector comprising:

(a) a tubular member (3);

(b) an annular flange, extending radially outwardly from an outer end of the tubular member; and

(c) a rolled edge, comprising:

(i) an annular radially inner bend, attached to the outer perimeter of the annular flange;

(ii) an annular radially outer roll, adjacent to the radially inner bend;

(iii) an annular rounded perimeter, adjacent to the annular radially outer roll and at the outer perimeter of the annular flange, the annular rounded perimeter is rounded inwardly, toward the outer end of the tubular member; and

Art Unit: 3679

(iv) whereby a tube cavity is defined within the annular radially outer roll and annular rounded perimeter;

(B) whereby an excess duct sealer trough is defined between rolled edges of the first and second connectors; and

(C) a plurality of fasteners connecting the annular flange of the first connector to the annular flange of the second connector.

In regards to claim 2, Hermanson discloses a gasket (8), carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector.

In regards to claim 4, Hermanson discloses a duct sealer (8), carried firstly between the annular flange of the first connector and the annular flange of the second connector.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hermanson in view Janakirama-Rao.

In regards to claim 3, Hermanson discloses the claimed invention for a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors. Janakirama-Rao teaches a duct sealer (6), carried firstly between the first side surface of the gasket (10) and the outer annular surface of the annular flange of the first connector (1), and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector (2), and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors "to make a leak-proof seal" (column 4, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a duct sealer carried firstly between the first side surface of the gasket and the outer

Art Unit: 3679

annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors to make a leak-proof seal, as taught by Janakirama-Rao.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hermanson in view of US patent 5016925, Davis.

In regards to claim 6, Hermanson discloses the claimed invention except for an o-ring channel defined on an outer surface of the tubular member. Davis teaches an o-ring channel (between 13 and 12a) defined on an outer surface of the tubular member (12) to provide an acceptable water-tight seal (col. 1, lines 43-46). As Davis relates to the coupling of pipe sections that can be mechanically applied, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate an o-ring channel defined on an outer surface of the tubular member to provide an acceptable water-tight seal, as taught by Davis.

Allowable Subject Matter

Claim 5 is allowed.

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 2/2/2004 have been fully considered but they are not persuasive. The Applicant argues that Hermanson lacks at least both the tubular member and rolled edge features. The Examiner disagrees. Hermanson's Figure 1 illustrates a frontal view of the apparatus, and Figure 1a illustrates a cross-sectional view of the apparatus with a short tubular member 3. Hermanson's Figures 2 and 4 both illustrate rolled [**over**] edges. Therefore, Hermanson meets the claimed limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ERIC K. NICHOLSON
PRIMARY EXAMINER